



PATENT
Attorney Docket No. A-63761-1
Attorney File No.: 463037-00005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

KAYYEM *et al.*

Serial No. 08/873,978

Filed: June 12, 1997

For: *Conductive Oligomers Attached
to Electrodes and Nucleoside
Analogues*

Examiner: MARSCHEL, Ardin H.

Art Unit: 1631

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: March 14, 2005

Signature

[Signature]
Kent Yenchura

**TERMINAL DISCLAIMER TO
OBVIATE A DOUBLE PATENTING REJECTION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **Clinical Micro Sensors, Inc.** (hereinafter "CMS"), represents that it is the assignee of the entire right, title, and interest of:

1. The instant application, U.S. Serial No. 08/873,978, filed June 12, 1997, which is a continuation-in-part of U.S. Serial No. 08/743,798, filed September 5, 1996, now U.S. Patent No. 6,096,273; and
2. U.S. Patent No. 6,096,273, issued August 1, 2000.

An assignment is recorded in the United States Patent and Trademark Office for U.S. Serial No. 08/873,978, filed June 12, 1997, at Reel No. 010225, Frame No. 0660.

Assignments are recorded in the United States Patent and Trademark Office for U.S.

Serial No.: 08/873,978

Filed: June 12, 1997

Serial No. 08/743,798, filed September 5, 1996, now U.S. Patent No. 6,096,273 at Reel No. 010225 Frame No. 0614, Reel No. 8757 Frame NO. 0001 and Reel No. 8406, Frame No. 0741.

CMS hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application as applied to Claim 73, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of Serial No. 08/743,798, now U.S. Patent No. 6,096,273.

CMS hereby agrees that any patent so granted on the instant application as applied to Claim 73 shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

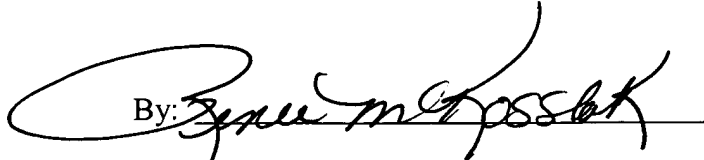
In making the above disclaimer, CMS does not disclaim the terminal part of any patent granted on the instant application as applied to Claim 73 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of Serial No. 08/743,798, now U.S. Patent No. 6,096,273, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

Serial No.: 08/873,978

Filed: June 12, 1997

The undersigned is an attorney or agent of record.

Dated: March 14, 2005

By: 

Name: Renee M. Kosslak

✓ Telephone: (415) 781-1989

Also included herewith is the terminal disclaimer fee of \$130.00 under 37 C.F.R.

1.20(d). While Applicants believe that no other fees are due at this time, the Commissioner is authorized to charge any fees, including extension fees or any other relief that may be required, in connection with this reply to Deposit Account 50-2319 (Order No. A-63761-1/RMS/RMK/463037-5).